



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3010186
Applicant Name: Brittani Ard
Address of Proposal: 7203 35th Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land in an Environmentally Critical Area. Proposed parcel sizes are: Parcel A) 5,225 sq. ft. and Parcel B) 5,228 sq. ft. The existing single family residence will remain; existing shed to be removed.

The following approval is required:

Short Subdivision – to create two parcels of land. (SMC Chapter 23.24).

SEPA - Environmental Determination - SMC Chapter 25.05.

SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS

[] DNS with conditions

[] DNS involving non-exempt grading, or demolition,
or another agency with jurisdiction.

BACKGROUND DATA

Zoning: SF 5000.

Date of Site Visit: June 30, 2009.

Uses on Site: Single-Family Residence.

Site and Vicinity Characteristics:

The 10,456 square foot site is located on the west side of 35th Avenue South approximately 12 feet south of the South Myrtle Place right-of-way (ROW). The vehicular and pedestrian access for the existing residence is from 35th Avenue South. The site is rectangular and approximately 60.5 feet in length north to south and 172.5 feet in length east to west.

The surrounding zoning south of South Myrtle Place is also SF 5000 and contains a mixture of sizes and ages of single-family structures. To the north across South Myrtle Place, an arterial street, the zoning is Lowrise 3 (L3) and is the Seattle Housing Authority's "New Holly" development.

Proposal Description

The applicant proposes to subdivide one parcel with a total area of 10,456 square feet into two parcels of approximately 5,225 sq. ft. (Parcel A) and 5,228 sq. ft (Parcel B). Parcel B will contain the existing single-family structure, which has frontage on 35th Avenue South. Parcel A will be the western half of the parent parcel. Pedestrian and vehicular access for proposed Parcel A will be across an ingress, egress, and utility easement running along the north side of proposed Parcel B from 35th Avenue South as described below.

Public Comment

No comments were received during or after the two week comment period that ended July 15, 2009.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable facts and conditions are found to exist.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, SPU (water), Fire Department, Seattle City Light, the Building Plans Examiner, the Drainage Section of DPD, and review by the Land Use Planner, the above cited criteria have been met subject to the **Conditions** imposed at the end of this decision.

The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code and are consistent with applicable development standards.

Vehicle and pedestrian access to 35th Avenue South for Proposed Parcel A will be provided by easement across the north portion of proposed Parcel B. There is an approximately six foot elevation change between the site, which is higher, and the right-of-way that is formed by an existing rock retaining wall. A portion of the rockery will be removed and the proposed access easement graded to provide vehicle access to proposed Parcel A. This will result in the future driveway grade being approximately six feet below the adjacent and remaining existing grade along the street property line. The proposed driveway easement would place the sight-line / area of visibility for a vehicle exiting the site six-feet below the adjacent grades. However, the Land Use Code requires "sight triangles" on either side of a driveway where it will meet the right-of-way. The area of the sight triangle must be kept clear in the vertical area between 32 and 84 inches.

The rockery in front of the parent parcel (the submitted survey indicates it is not on the site but in the ROW) extends northward alongside the parcel to the north and then continues to the northwest along the north property of this parcel and along SW Myrtle Place. SW Myrtle Place is an arterial that descends from west to east. The proposed driveway easement entry / exit will be approximately 12 feet from the SW Myrtle Place ROW. The combination of these characteristics and the driveway easement entrance six-feet below adjacent existing grade would result in a very limited sight distance between vehicles traveling on both SW Myrtle Place to 35th Avenue South and from the proposed easement driveway onto 35th Avenue South, an unsafe condition. This unsafe condition required a change to the proposed driveway easement; hence this proposal is **Conditioned** to provide sufficient area on either side of the driveway surface at the property line for the required sight triangles.

Utility access will be assured through the above vehicle easement.

Adequate provisions for drainage control, water supply, and sanitary sewage disposal can be provided for each lot and service is assured, subject to standard conditions governing utility extensions.

The west end of proposed Parcel A contains a limited area of *Environmentally Critical Area / Steep Slope*. Generally *Steep Slope* areas may not be counted toward the short plat minimum lot area calculation. However, per SMC 25.09.180.B, *Steep Slopes* that are less than 20 feet in height and separated by a distance of more than 30 feet may be exempted from this exclusion provided any exemption would not create adverse impacts. Based on the DPD geotechnical review of the applicant's submitted geotechnical report this *Steep Slope* area is less than 20 feet in height and further than 30 feet from other *Steep Slopes* and therefore was granted a *Limited Exemption* to include the *Steep Slope* area in the lot calculation.

The proposed plat as configured maximizes the retention of existing trees.

Based on the above response to the applicable criteria, the public use and interest (the creation of additional building sites within the City) are served by the proposal to create additional lots.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

The proposal site is located in an *ECA Steep Slope* area, thus this proposal, normally exempt from SEPA, must undergo SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 17, 2009 and annotated by the Department. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation subject to some limitations". The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces).

The proposed short plat will divide an existing lot with an Environmentally Critical Area into two lots. Along the western property boundary of the parent site there is a *Steep Slope* that has been determined to have a vertical elevation change of no more than 20 feet and is not part of a larger *Steep-Slope* system. The geotechnical report submitted as a part of the ECA Limited Exemption

application indicates that future construction in this area is feasible provided the recommendations of the report and the existing City regulations for *Steep Slope* areas are followed. Provided the report recommendations and recommendations from the required ECA review are followed no mitigation of this proposal for *Short or Long-Term Impacts* under SEPA is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS – SEPA

None.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

1. Revise the preliminary plat to include the 20-foot access easement with the location of two sight triangles and detail showing the required sight triangle clear vertical area and revised legal descriptions, as shown on the applicant's pdf preliminary plat revision received by DPD December 3, 2009.
2. Include the right to post address signage for proposed Parcel A on the access easement across proposed Parcel B on the final plat documents.
3. Submit the final recording forms for approval along with any required fees.

After Recording and Prior to Issuance of Any Building Permits

The owner(s) and/or responsible party(s) shall:

4. Attach a copy of recorded short subdivision to all copies of future building permit application plans for proposed Parcel A.

Signature: _____
Art Pederson, Land Use Planner
Department of Planning and Development

Date: December 10, 2009